

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1300 PLD



Project Name: WILD GLEN SUBDIVISION

Case Number: PLD2009-00057; SEP2009-00102

Location: 2505 NW 151st Street

Request: Subdivide approximately 3.3 acres into 18 single-family residential lots in two phases located in the R1-6 zoning district

Applicant/Owner: Brian & Maria McCune
14914 NW 25th Avenue
Vancouver, WA 98685
E-mail - briantmac19@yahoo.com

Contact: PLS Engineering
Attn: Andrew Gunther
1014 Franklin Street, Atrium Suite
Vancouver, WA 98660
Phone - (360) 944-6519, Fax - (360) 944-6539
E-mail - Andrew@plsengineering.com

RECOMMENDATION

Approval, subject to conditions

Team Leader's Initials: *MB* Date Issued: **January 27, 2010**

Public Hearing Date: **February 11, 2010**

County Review Staff:

	<u>Name</u>	<u>Phone Ext</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	David Bottamini, P.E.	4881	david.bottamini@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov
Team Leader:	Michael Butts	4137	michael.butts@clark.wa.gov
Eng. Supervisor:	Sue Stepan, P.E.	4064	sue.stepan@clark.wa.gov

Comp Plan Designation: Urban Low

Zoning:

R1-6

Legal Description:

Tax Lots 41 (185195) and 48 (185202) located in the NW quarter of Section 21, Township 3 North, Range 1 East of the Willamette Meridian

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-family Districts), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrence), Chapter 40.380 (Stormwater & Erosion Control), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

Neighborhood Association:

North Salmon Creek, Barbara Anderson (President), 105 NE 150th Street, Vancouver, WA 98685, **Phone** - (360) 573-2240, **E-mail** – barbara.anderson@msn.com

Time Limits:

The application was submitted on November 13, 2009 and determined to be fully complete on December 3, 2009. Therefore, the County Code requirement for issuing a decision within 92 days lapses on March 5, 2010.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 7, 2009. The pre-application conference information was sufficiently complete to qualify for contingent vesting and the formal application was submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the application is vested on the pre-application submittal date of April 10, 2009. The application vested for transportation concurrency on November 13, 2009.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the neighborhood association and property owners within 500 feet of the site on December 16, 2009. One sign was posted on the subject property and two within the vicinity on January 27, 2009. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on December 16, 2009.

Public Comments:

The County has received public comments from neighbors living in the area of the proposed subdivision (see Exhibits 12 and 14). A significant amount of fill material was placed on the property, filling seasonal wetlands. A significant amount of traffic will

result with the proposed 18 lots and the road connection of NW 25th Avenue and NW 151st Street.

County staff reviewed the proposal and found no wetland indicators on the site. No further review was required. Please see Findings 9 through 14 for more information on traffic issues.

Project Description/Background

The applicant proposes to divide the subject site into 18 single-family residential lots for detached housing. The subject site is located on the south side of NE 151st Street at NE 25th Avenue. There are two existing residences on the site. One residence is located on adjusted Tax Lot 48, created through a boundary line adjustment prior to the fully complete determination (see Finding 1). The other residence will remain on proposed Lot 5.

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Single-family residential
North	R-5	R-5	Single-family residential
South	UL	R1-7.5	Single-family residential
East	R-5	R-5	Single-family residential
West	R-5	R-5	Single-family residential

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:Finding 1 - Boundary Line Adjustment (BLA)

The subject site consists of Tax Lots 41 and 48, both under the same ownership. The applicant completed a BLA in order to adjust one of the existing residences on the site out of the proposed subdivision (see adjusted Tax Lot 48 on the proposed plat). This BLA was recorded with the Clark County Auditor prior to the fully complete determination. The remainder of the site will be divided into the proposed 18 lots with the other existing residence to remain on Lot 5. As part of the fully complete determination, staff found both Tax Lots 41 and 48 were legal lots of record and met zoning requirements. Therefore, the BLA complies with applicable state and local requirements.

Finding 2 - Lot Standards

The proposed subdivision is located in the R1-6 zone which requires an average minimum lot size of 6,000 square feet and an average maximum lot size of 8,500 square feet. The average lot size is 6,064 square feet and therefore complies with lot size standards. The R1-5 Zone also requires an average lot width of 50 feet and an average lot depth of 90 feet. All proposed lots comply with the lot width and depth requirements of the zone.

Finding 3 - Phasing Plan

The applicant proposes to develop the 18 lot subdivision in two phases. Phase 1 will consist of Lots 5 through 18, all of NW 25th Avenue (public), NW 151st Way (private), and Tract A (stormwater facility). Phase 2 will consist of Lots 1 through 4 and NW 150th Way (private). Phase 1 will need to be constructed prior to or at the same time as Phase 2 because NW 25th Avenue will provide access for proposed Lots 1 through 4. (See Condition D-1)

Finding 4 - Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed lots. Building setbacks are defined as the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements:

- Twenty foot front setback
- Ten foot street side setback
- Five foot side and rear setback for all other setbacks in the plat

The existing residence that will remain on proposed lot 5 complies with setback requirements with one exception. The southern part of the residence, identified with cross marks on the proposed plat, is located within the ten foot street side setback. The applicant proposes to remove this portion of the residence in order to comply with setback requirements. This is acceptable to staff as long as this portion of the residence is removed prior to final plat approval. (See Condition D-2)

Finding 5 - Existing Structures

There are two existing residence with several accessory structures on the subject site. The applicant adjusted one of the existing residences out of the plat (see adjusted Tax Lot 48 on the proposed plat). The other existing residence will remain on proposed Lot 5. The applicant has indicated that all existing accessory structures will be removed from the site. All existing accessory structures shall be removed from the site prior to final plat approval. (See Condition D-3)

Finding 6 - Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Condition D-13a).

Finding 7 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff, will be provided to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

ARCHEOLOGICAL:

Finding 8

The proposal is located within a high probability area for containing cultural resources. The Washington State Department of Archaeology and Historic Preservation (DAHP) reviewed the applicant's archaeological predetermination completed and agrees that no further archaeological work is needed. The standard conditions regarding discovery of resources will be applied. (See Exhibit 10, Condition A-1a, and Condition D-13b)

TRANSPORTATION CONCURRENCY:

Finding 9 - Trip Generation

The applicant has submitted a traffic study that indicates that the proposed Wild Glen Subdivision will consist of 18 new detached single family homes. The applicant's traffic study has also estimated the weekday a.m. peak-hour trip generation at 13 new trips, while the p.m. peak-hour trip generation is estimated at 17 new trips using nationally accepted data published by the Institute of Transportation Engineers.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1). This site is located at 2505 NW 151st Street.

Finding 10 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the

driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The submitted traffic study indicates that NW 25th Avenue will be extended north from the Hidden Valley View Subdivision. The NW 25th Avenue extension, through the proposed development, will create a new intersection at NW 151st Street. The traffic study did not evaluate this new intersection for an estimated LOS in the 2014 build-out horizon.

Staff is not anticipating a problem at this location due to low vehicle volumes. However, in order to understand potential operations of the new intersection of NW 25th Avenue/NW 151st Street, Staff used the applicant's traffic study information to model levels-of-service. The County's Concurrency Model evaluated the LOS under the p.m. peak hour traffic conditions in the build-out scenario. County Staff concluded that the new proposed intersection of NW 25th Avenue/NW 151st Street will operate at a LOS B or better in the 2014 build-out horizon.

Finding 11 - Concurrency

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or is under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "*in-process traffic*" information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more (10, or more, single family lots) in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips (less than 10 single family lots) in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a "*background growth rate*" (1% per year). This "*background growth rate*" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area.

Unsignalized Intersections

County Staff has performed an evaluation of the operating levels, travel speed and delay standards represented in the County's model. The County's model consists of the study intersections and corridors of regional significance in the development area yielding operating levels, travel speed and delay times, during both the am and pm peak hours. The modeling results indicate a LOS better than the minimum allowable LOS E for unsignalized intersections, with the exception of the NW 21st Avenue/NW Bliss Road

intersection. This intersection will have an unsignalized operational LOS F. This intersection also meets signal warrants. Therefore, this intersection does not comply with the Concurrency Ordinance.

Staff's evaluation of the NW 21st Avenue/NW Bliss Road intersection in the applicant's traffic study indicates that there are no vehicle trips assigned to the failing approach of this intersection. Staff concurs with the applicant's traffic study findings. Because this proposed development will not contribute to the degradation of the NW 21st Avenue/NW Bliss Road intersection, additional analysis or mitigation at the intersection of NW 21st Avenue/NW Bliss Road is not required.

Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the Concurrency Ordinance maximum of 240 seconds of delay in the build-out year. Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service.

Summary

The County has determined that this development will comply with the adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction with the required mitigation as outlined above.

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 12 - Traffic Signal Warrants

A traffic signal analysis was performed by the applicant's consultant. This signal warrant analysis evaluated the intersection of NW 21st Avenue/NW Bliss Road. The traffic study concluded that none of the signal warrants are expected to be met in the 2014 build-out

horizon with the additional traffic from the proposed development. The study also stated that a traffic signal, at the intersection of NW 21st Avenue/NW Bliss Road is not necessary or recommended.

Staff concurs with the applicant's findings as submitted; however, Staff notes that there should be a more extensive analysis with future development that may have impact on the failing approach of NW 21st Avenue/NW Bliss Road. As stated above, Staff finds that because this proposed development will not contribute to the degradation of the NW 21st Avenue/NW Bliss Road intersection, additional analysis or mitigation at the intersection of NW 21st Avenue/NW Bliss Road is not required.

Finding 13 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study reviewed the site access for turn lane warrants and found that with the low traffic volumes, turn lanes would not be warranted at the studied intersection. County staff agrees with the traffic study findings.

Finding 14 - Historical Accident Situation

The applicant's traffic study analyzed the accident history within the vicinity of the site. The intersection accident rates do not exceed thresholds that would warrant additional analysis. Therefore, further analysis *is not* required.

Conclusion

In summary, staff recommends approval of the development application, as proposed, subject to the conditions of approval stated below.

TRANSPORTATION

Finding 15 - Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposal meets the pedestrian circulation code for onsite. Sidewalks are not required along NW 151st Street since this road is classified as a rural access road. (See Finding 17)

Finding 16 - Road Cross-Circulation

The applicant has proposed the extension of NW 25th Avenue to NW 151st Street to the north. In addition, staff believes the block length to the east can be measured from the right-of-way of existing NW 148th Street to the right-of-way of NW 151st Street which is a distance of about 720 feet and does not exceed the 800-foot maximum standard. The applicant has submitted a road modification for a block length to the west that has slightly exceeded the standard. The applicant has submitted a road modification request to allow for the block length that does not meet the 800-foot block length. Staff is recommending approval of this road modification request. (See Transportation Finding 18)

Finding 17 - Roads

NW 151st Street is a "Rural Local Access" road. The required half-width right-of-way is 25 feet and the applicant indicates 30 feet of right-of-way currently exists. Therefore, the minimum half-width frontage improvement requirement has been satisfied.

NW 26th Avenue is an "Urban Local Residential Access" road and the applicant has appropriately proposed the extension of the road north to NW 51st Street. The minimum standards for right-of-way width, paved width, curbs, gutters, and sidewalks have been met. Curb return radii are required per Table 40.350.030-4. (See Condition A-3a)

Finding 18 - Road Modification

The applicant proposes that the road modification request can be justified per CCC 40.550.010(A)(1)(b). The applicant has submitted a road modification due to staff's interpretation of how a block length to the west would be measured as a result of the creation of the proposed Wild Glen Subdivision. From existing NW 147th Way to the south to NW 151st Street to the north, the existing block length would be about 870 feet which exceeds the maximum standard of 800 feet. The existing block is close to meeting the standard. Additionally, properties to the west are zoned rural and are not likely to be rezoned to an urban zoning in the near future.

Staff agrees with the applicant that the road modification can be justified based on CCC 40.550.010(A)(1)(b) for two reasons mentioned by the applicant. Staff believes the applicant is correct in stating the block length is close to meeting the minimum standard. In addition, the properties to the west are zoned rural and unlikely to be rezoned in the near future.

Staff's recommendation is Approval of the road modification request.

Finding 19 - Sight Distance

The applicant has submitted a sight distance analysis letter dated November 12, 2009. The applicant is sending trips through NE 21st Avenue and NE 26th Avenue to NE Bliss Road. As a result, the applicant shall analyze sight distance at the intersections of NE 21st Avenue and NE Bliss Road; and NE 26th Avenue and NE Bliss Road. (See Condition A-3b)

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

Finding 20 - Phasing

The applicant is responsible for providing all necessary transportation improvements required for each individual phase. The design of the required transportation improvements for each proposed phase will be reviewed during final engineering review. (See Condition A-3c)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 21 - Applicability

The application is vested under the previous Stormwater and Erosion Control Ordinance (CCC 40.380), which applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in section 40.380.030.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 22 - Stormwater Proposal

The applicant has proposed a wet pond that will fulfill the function of both water quality and quantity control. The facility will be located inside a stormwater tract and will be publicly owned and maintained. Existing on-site Hillsboro Silt Loam is typically not well suited for infiltration.

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches.

Finding 23 - Site Conditions and Stormwater Issues:

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Condition A-4a)

According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. (See Condition A-4b)

Finding 24 - Phasing

The applicant is responsible for providing all necessary stormwater improvements required for each individual phase. The design of the required stormwater improvements for each proposed phase will be reviewed during final engineering review. (See Condition A-4c)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:**Finding 25 - Fire Marshall Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-1)

Finding 26 - Fire Flow/Hydrants

Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated at 1,750 gpm.

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Condition D-5)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (See Condition D-6)

Finding 27 - Fire Apparatus Access/Parking

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See Condition D-7)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:**Finding 28**

The applicant has submitted utility reviews from Clark Regional Wastewater and Clark Public utilities indicating that public sewer and water is available to the subject site. All lots in the proposed plat must connect to an approved public sewer. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health

Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition D-8)

Finding 29

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition D-9)

IMPACT FEES:

Finding 30

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The site is within the Vancouver School District with a SIF of \$1,112.00, Park District 10 with a PIF of \$1,094.00 (acquisition) + \$440.00 (Development), and the Mt. Vista Transportation Subarea with a TIF of \$5,344.37.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition D-10d & E-2)

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on December 16, 2009 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Persons:

Planner: Richard Daviau - (360) 397-2375, ext. 4895

Team Leader/Responsible Official: Michael V. Butts, (360) 397-2375, ext. 4137

RECOMMENDATION

Based upon the proposed plan and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A	Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering
----------	--

Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Final Construction Plan** - The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:
- a. Archaeology - A note shall be placed on the face of the final construction plans "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work in the vicinity shall

cease and the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-3 Final Transportation Plan (On-Site & Frontage) - The applicant shall submit and obtain County approval of a final transportation design in conformance with CCC 40.350 and the following conditions of approval:

- a. Curb return radii are required per Table 40.350.030-4 (see Finding 17).
- b. The applicant shall comply with the sight distance standards of CCC 40.350.030(B)(8) including at the intersections of NE 21st Avenue and NE Bliss Road; and NE 26th Avenue and NE Bliss Road. The applicant will be responsible for necessary mitigations. (See Finding 19)
- c. The applicant is responsible for the design and construction of all necessary transportation improvements required for each individual phase (see Finding 20).

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following condition of approval:

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (see Finding 23).
- b. According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site (see Finding 23).
- c. The applicant is responsible for the design and construction of all necessary stormwater improvements required for each individual phase (see Finding 24).

A-5 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

- A-6 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC 14.07. A grading permit is required if excavation exceeds 50 cubic yards and a SEPA is required if the amount of cut or fill exceeds 500 cubic yards.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
----------	---

Prior to construction, the following conditions shall be met:

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
----------	--

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

- C-1 None

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
----------	---

Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Phase I shall be constructed prior to or at the same time as Phase 2 because NW 25th Avenue provides access for proposed Lots 1 through 4 (see Finding 3).
- D-2 The southern part of the residence on proposed lot 5, identified with cross marks on the proposed plat, shall be removed in order to comply with setback requirements (see Finding 4).
- D-3 All existing accessory structures shall be removed from the site (see Finding 5).
- D-4 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational.
- D-5 Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Finding 26)

- D-6 Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. (See Finding 26)
- D-7 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Finding 19). Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING".
- D-8 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health Department with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- D-9 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.
- D-10 **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
 - c. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
 - d. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this subdivision are: \$1,112.00 (Vancouver School District), \$1,534.00 (\$1,094.00 - Acquisition; \$440.00 - Development for Park District 10), and \$5,344.37 (Mt. Vista subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from

the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

- D-11 **Private Road Maintenance Covenant** – A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
- D-12 **Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
- D-13 **Plat Notes** - The following notes shall be placed on the final plat:
- a. Mobile Homes: "Mobile homes are not permitted on any lots of the proposed subdivision."
 - b. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work in the vicinity shall cease and the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
 - c. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
 - d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
 - e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E	Building Permits
----------	-------------------------

	Review & Approval Authority: Customer Service
--	--

Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-2 **Impact Fees** - The applicant shall pay impact fees for the proposed lots as follows (There will be a one lot impact fee credit due to the existing residence):

- a. \$1,112.00 per dwelling for School Impact Fees (Vancouver School Dist.)
- b. \$1,534 per dwelling for Park Impact Fees (\$1,094.00 – Acquisition; \$440.00 – Development for Park District 10)
- c. \$5,344.37 per dwelling for Traffic Impact Fees (Mt. Vista TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Occupancy Permits Review & Approval Authority: Building
----------	--

Prior to issuance of an occupancy permit, the following conditions shall be met:

None

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
----------	--

G-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 **Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

<p>Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.</p>

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

Motion for Reconsideration:

Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

Appeal Rights:

Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

Attachments:

- Proposed Plot Plan
- List of Exhibits Received to Date

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only - This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		
-On-site landscape plan		
-Right-of-way landscape plan*		
Final Wetland Plan		
Final Habitat Plan		

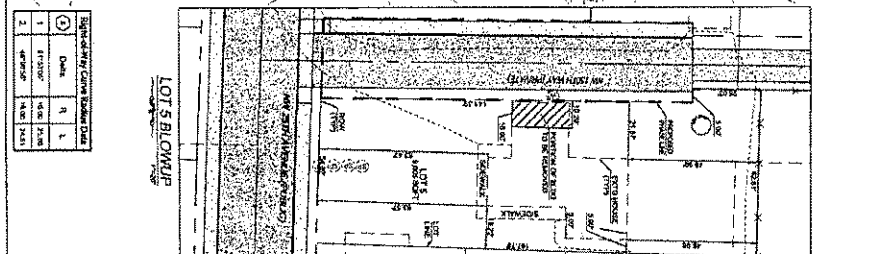
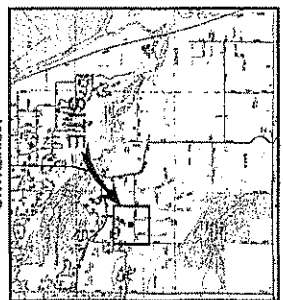
*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Located in the NW 1/4 of Section 21 T3N, R1E, W.M.
Clark County, Washington


[illegible]

VICINITY MAP
WEST TO SCALE



Printed by Curve Reader Date			
Σ	Date	R	L
1	8/25/09	10.00	21.00
2	4/10/08	14.00	24.51

[illegible]

		Revisions 1. 11/15/07 Substantiated for review 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 	
---	--	---	--



HEARING EXAMINER EXHIBITS

APPLICATION: Wild Glen Subdivision
CASE NUMBERS: PLD2009-00057
Hearing Date: February 11, 2010

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	11/13/09	Applicant: PLS Engineering	Full Size Plans
6	11/13/09	Applicant: PLS Engineering	Application Packet: Cover Sheet, Application Forms, SEPA, Boundary Line Adjustment, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Determination, Soil Report, Drainage Rpt, Stormwater Plan, Engineer Statement, Circulation Plan/Traffic Study, Arch Pre-Det, Sewer Utility Review, Water Utility Review, Health Dept Review, CC & R's, Boundary Line Adjustment, School Dist Ltr, Email from Eng, re: NW 151 st Street Classification
7	12/3/09	CC Development Services	Development Review Fully Complete Determination
8	12/16/09	CC Development Services	Notice of Type III Development Review, Optional SEPA & Public Hearing
9	12/16/09	CC Development Services	Affidavit of Mailing Public Notice
10	12/17/09	Dept of Archaeology & Historic Preservation	Comment Letter
11	12/17/09	SW Clean Air Agency	Comment Letter
12	12/29/09	Brian Grossman	Comment Letter
13	12/30/09	Dept of Ecology	Comment Letter
14	12/30/09	Gregory and Carrie Ann Palandrani	Comment Letter
15	1/8/10	CC Development Services	Early Day Review
16	1/11/10	Applicant: PLS Engineering	Affidavit of Land Use Sign
17	1/20/10	Applicant: PLS Engineering	Road Mod Revised Circulation Plan

18	1/20/10	CC Development Engineering	Road Mod Recommendation
19	1/27/10	CC Development Services	Public Hearing Notice
20	1/27/10	CC Development Services	Affidavit of Posting Public Notice
21	1/27/10	CC Development Services – Richard Daviau, Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810